IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10165 OF 2004

Kamal Hirman Hole & Anr. .. Petitioners.
Vs.
Tahasildar Haveli & Ors. .. Respondents.

Mr.D.M.Gupte for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 22ND DECEMBER, 2004

P.C.:

. Heard Mr.Gupte, learned counsel for the petitioners.

2. This petition is directed against the concurrent findings recorded by the authorities below by which the resolution expressing no confidence motion against the petitioners has been confirmed by the impugned orders. Mr.Gupte, learned counsel for the petitioners challenged the impugned orders on the following grounds (i) The presiding officer who conducted the meeting did not give fair and reasonable opportunity to the petitioners to explain the grounds on which no confidence was sought; (ii) The procedure laid down in the rules was not followed; (iii) The

issue of disqualification of one of the members was not taken into account and allowed him to participate in the meeting.

3. I perused the orders passed by the authorities below. It is clear from the observations made in the impugned order that the motion was discussed and the petitioners also participated in the meeting. Looking to the record it cannot be said that the procedure laid down under the rules was not followed. In so far as disqualification of one of the members of the gram panchayat is concerned, even if it is assumed that what the petitioners state is correct, that would not have changed the fate of the motion since it was passed by all against the petitioners. Considering that there are concurrent findings recorded by the authorities below and there is sufficient material to sustain those findings and considering extremely limited jurisdiction of this court under Article 227 of the Constitution to disturb the findings of fact this petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)